

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SAUL A. LEON LOPEZ,

Plaintiff,

v.

Case No. SA-23-CV-00893-JKP

WENDELL BROWN, GRETCHEN
BROWN, NEFTALI M. VILLARREAL,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is U.S. Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R) entered in the above-captioned case. *See* ECF No. 7. The parties filed no objections to the R&R and the deadline to do so has passed. Judge Bemporad recommends the Court dismiss this case without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3). After due consideration, the Court **ADOPTS** the R&R in its entirety (ECF No. 7) and **DISMISSES WITHOUT PREJUDICE** this case for lack of subject matter jurisdiction.

In a case such as this, where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1). In such cases, the Court need only review the Report and Recommendation and determine whether they are either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989). The Court reviewed the R&R and found it to be neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED that the Court **ACCEPTS** the Magistrate Judge's findings and recommendations and **ADOPTS** the R&R in its entirety. *See* ECF No. 7.


IT IS FURTHER ORDERED that the Court **DENIES AS MOOT** Plaintiff's pending motions to file electronically and appoint an interpreter. *See* ECF Nos. 2, 3.

IT IS FINALLY ORDERED that the Court **DISMISSES WITHOUT PREJUDICE** this case for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(h)(3).

The Clerk of Court is instructed to enter a Clerk's Judgment and **CLOSE THIS CASE**.

It is so ORDERED.

SIGNED this 15th day of September, 2023.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE